

California Regional Water Quality Control Board  
Santa Ana Region

STAFF REPORT

April 21, 2006

ITEM: 8

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Hillside Community Church, 5354 Haven Avenue, Alta Loma, San Bernardino County – APN 1074-271-01

DISCUSSION:

On February 24, 2006, WLC Architects, on behalf of the Hillside Community Church, submitted a request for approval for the proposed use of a septic tank-subsurface disposal system to accommodate a proposed expansion project at the church site. There are two existing septic systems at the site (1-10,000-gallon and 1-1,250-gallon tank). The Church is proposing a new 1,400-seat worship center that includes kitchen, fellowship hall, offices, classrooms, etc., in addition to the facilities currently on the 8.86-acre site. An additional 17,450-gallon septic system to serve the facility is proposed. The information provided on behalf of the applicant indicates that the closest sewer main connection point is at Hillside Road, near the intersection with Mayberry Avenue, approximately 2,400 lineal feet from the proposed expansion.

The Regional Board has adopted minimum lot size criteria for septic tank-subsurface disposal system use that are contained in the Water Quality Control Plan (Basin Plan) for the Santa Ana Region. These criteria established a one-half acre minimum lot size requirement for new developments proposing the use of on-site septic tank-subsurface leaching/percolation systems. The minimum lot size requirements specify that the wastewater flow for each one-half acre of land may not exceed that from a three-bedroom two-bath house as specified in the Uniform Plumbing Code. This is equivalent to 300 gallons per day (gpd) or 20 fixture units per one-half acre of land for commercial projects.

Based on the information provided in the applicant's February 24, 2006 submittal, Board staff determined that the total fixture unit count for the expanded facility would not comply with the minimum lot size requirements. Accordingly, staff denied the request to utilize the additional septic tank system. This matter was discussed with the project representative on March 8, 2006, and revised plans, with a reduced number of fixture units, were submitted on March 9, 2006. The project proponent has advised that there currently are 163 fixture units at the site and that the revised number of additional fixture units proposed is 434. The total fixture count for the facility would thus be 597 fixture units. The total fixture units allowed for the site is 354 (5,280 gpd). Based on this information, septic tank-subsurface disposal system use at the facility, including the proposed expansion, as revised, would still not comply with the minimum lot size requirements based on the revised total fixture units.

In addition, the Board's minimum lot size requirements include exemption criterion H., which specifies that *"No exemptions shall be granted for new developments on lots less than one-half acre which are 200 feet or less from a sewer which could serve that tract/parcel, barring legal impediments to such use. All other developments shall be considered on a sliding scale, e.g., for each additional unit (any development which is more than a single family dwelling), this requirement should be increased by 100-feet per dwelling unit. For example, a 10-lot subdivision shall be required to connect to a sewer if the sewer is within 1,100 feet ( $200 + 9 \times 100 \text{ feet} = 1,100 \text{ feet}$ ) of the proposed development barring legal impediments to connection to the sewer. For this subsection, a commercial/industrial development which produces a wastewater flow of up to 300 gallons per day would be considered equivalent to a single family dwelling unit."* Based on this exemption criterion, the proposed project would have to be greater than 3,100 feet (total fixture count = 597 FU, equivalent to 30 – 0.5 acre lots. Distance to connect =  $200 + [29 \times 100] = 3100 \text{ feet}$ ) from the sewer connection point to be exempted from the requirement to connect to the sewer. However, as stated previously, the nearest sewer connection to the church is approximately 2,400 feet.

Staff advised the project proponent that we are unable to approve the project, since it does not comply with the Board's minimum lot size requirements. We advised the proponent of two options that were available to pursue the project. One option would be to implement an offset, as provided in the Board's minimum lot size requirements, whereby the proponent could proceed with the project if the proponent paid for the sewer connection of 13 septic systems that would not otherwise be required to connect. The second option would be to appeal Board staff's denial to the Regional Board.

Mr. Bill Fox, a project representative, indicated initially that the church would be willing to have \$130,000 be held as a bond for connecting 13 houses to the sewer so that the church project could proceed while specific offsets are being located. However, the project representatives also submitted past water usage bills (2004 & 2005) for the church, as well as projected wastewater flows for the expansion project. The total projected flows are estimated to be approximately 2,205 gallons per day (gpd). This number is believed to be conservative, i.e., the likely flows would be less than that amount. This projected water usage is significantly less than the allowed wastewater flow. In light of this, Board staff advised the proponent that we would recommend Board approval of an appeal, provided that (1) the project representatives provide a "will not serve" letter from the Cucamonga Valley Water District, the sewerage agency in the area; and (2) the project proponents ensure that discharges from the septic tank-subsurface disposal systems do not exceed the amount allowed pursuant to the minimum lot size requirements, i.e., 5,280 gallons per day. Board staff further informed the project representative that the Board may elect to adopt waste discharge requirements for the project or to otherwise condition the approval of the project to assure that the flow requirements continue to be satisfied.

By letter dated March 10, 2006, Regional Board staff advised the City of Rancho Cucamonga, that Board staff had no objection to the issuance of building permits for the expansion project, with the caveat that approval for the septic system use could not be provided by Board staff but had to be considered by the Regional Board. The letter indicated staff's intent to recommend that the Regional Board conditionally approve the proposed septic system use.

RECOMMENDATION:

Regional Board staff recommends approval of the request for an exemption from the minimum lot size requirements subject to the following conditions:

1. Once the church expansion is completed, the church shall monitor its water consumption for domestic use and shall submit this information to the Regional Board in a quarterly report;
2. Should the average daily water usage at the church facilities exceed 5,280 gallons per day, the Church shall either: (1) implement an acceptable offset by identifying and connecting 13 residential dwelling units to the sanitary sewer, upon approval of the list by the Executive Officer; or, (2) connect all domestic wastewater lines serving the facility to the sewer, whereupon the use of all septic tanks on site would cease. Within six months of notification by the Regional Board that implementation of one of these alternatives is necessary, the selected alternative shall be completed.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon  
San Bernardino County Department of Environmental Health Services – Mike Farrell  
City of Rancho Cucamonga, Building and Safety - John Thomas, Assistant Building Official



# California Regional Water Quality Control Board

## Santa Ana Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
[www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Arnold Schwarzenegger  
Governor

March 30, 2006

Larry Wolf, AIA, Principal  
WLC Architects, Inc.  
10470 Foothill Boulevard  
Rancho Cucamonga, CA 91730

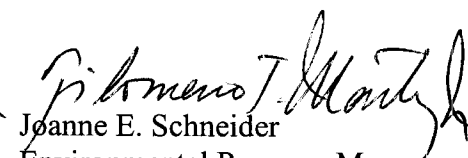
APPEAL TO THE REGIONAL BOARD FOR AN EXEMPTION FROM THE MINIMUM LOT SIZE REQUIREMENT FOR THE USE OF AN ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEM AT HILLSIDE COMMUNITY CHURCH, 5354 HAVEN AVENUE, ALTA LOMA, SAN BERNARDINO COUNTY, APN 1074-271-01

Dear Mr. Wolf:

This is in response to your request to appeal Regional Board staff's denial of an exemption from the minimum lot size requirement for subsurface disposal system use at the above-referenced site. Your appeal has been scheduled for consideration at the Board's April 21, 2006 meeting at the City Council Chambers of Loma Linda. The meeting is scheduled to begin at 9:00 a.m. A copy of the staff report that will be presented to the Board regarding this matter and the agenda announcement for the meeting are enclosed.

During the meeting, you will have an opportunity to present your case to the Board. If you have any questions about the proceedings, please contact Jun Martirez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,

*for*   
Joanne E. Schneider  
Environmental Program Manager

Enclosures: Staff Report and Agenda Announcement

cc w/enc: State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon  
San Bernardino County Environmental Health Services – Corwin Porter/Mike Farrell  
City of Rancho Cucamonga, Building and Safety - John Thomas, Assistant Building Official  
The William Fox Group, Inc. – Bill Fox

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**California Environmental Protection Agency**



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